



Illinois Department of Corrections

Administrative Directive

Number:

01.07.424

Title:

Mandatory Supervised Release Violators Sentenced Under 1978 Law

Effective:

2/1/2022

Authorized by:

[Original Authorized Copy on File]

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Director

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Authority:

730 ILCS 5/3-3-9

Related ACA Standards:

5-ACI-1E-01 – 03, 5-ACI-1F-01, 02, 06

Referenced Policies:

01.07.400

Referenced Forms:

DOC 0631 – MSR Violators Sentenced Under 1978 Law

I. POLICY

The Department shall recalculate sentences of individuals who are returned as mandatory supervised release violators, awarding good conduct credits on the portion of the mandatory supervised release term not served in accordance with the procedure established in this directive.

II. PROCEDURE

A. Purpose

The purpose of this directive is to establish a written procedure for calculating sentences of mandatory supervised release violators.

B. Applicability

This directive is applicable to all correctional facilities within the Department.

C. Facility Reviews

A facility review of this directive is covered under the facility reviews conducted at least annually for Administrative Directive 01.07.400.

D. General Provisions

1. The issuance of a mandatory supervised release (MSR) violation warrant tolls the running of the sentence credit. Sentence credit shall not be resumed until the date a revocation hearing is held by the Prisoner Review Board (PRB). The individual shall then receive credit for time spent in custody which was not credited against another sentence.
2. The period of time between the date the PRB declared the releasee a violator and the recustody date or the new sentence date shall be calculated as time lost as an MSR violator. To determine which date is appropriate, the following shall control.
 - a. If the violator received a new sentence prior to his or her readmission to the Department, the custody time shall be credited to the new sentence and he or she shall receive credit on the original violation sentence from the date the new sentence was entered. The custody time shall also be credited in this manner if the violator was returned as a technical violator, writted to court and issued a new sentence prior to the PRB hearing on the violation.

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- b. If the violator was returned as a technical violator without a new sentence, he or she shall receive credit for all custody time on the original violation sentence.
 - c. If the violator received a new sentence after his or her readmission to the Department and prior to the PRB hearing on the violation, the custody time shall be credited to the original violation sentence and he or she shall receive credit on the new sentence from the date it was entered, unless otherwise ordered by the court.
3. The PRB may enter an order of Mandatory Supervised Release (MSR) Resumed regarding an MSR violator. The release date may be prior to the projected discharge date calculated in Step 5 on the MSR Violators Sentenced Under 1978 Law, DOC 0631. The individual shall receive good conduct credits only on the portion of the MSR term served in custody. Therefore, in order to determine the discharge date, it shall be necessary to calculate Steps 7 and 8 and this shall negate Steps 4 and 5.

E. Calculation

1. Record the appropriate recustody date or new sentence date, whichever is applicable, and subtract the date declared a violator to determine time lost as an MSR violator. If there was more than one violation, complete Step 1(B).
2. Record the time lost as an MSR violator as determined in Step 1(A) and 1(B), as appropriate, and add to determine total time lost as an MSR violator.
3. Record the custody date as established in the master record file and add the sentence less good conduct credits to determine the projected out date. Add or subtract any previous time lost or awarded to determine the projected out date. Add the appropriate MSR term to determine the maximum date. Add the total time lost as an MSR violator to determine the discharge date.
4. Record the discharge date as determined in Step 3 and subtract the recustody date or new sentence date as determined in Step 1 to determine time to serve. Subtract good conduct credits to determine time left to serve.
5. Record the recustody date or new sentence date as determined in Step 1 and add the time left to serve as determined in Step 4 to determine the projected discharge date.
6. If a subsequent sentence is ordered consecutive to the violation, add the consecutive sentence less good conduct credits, if applicable, to the projected discharge date determined in Step 5.

NOTE: Steps 7 and 8 shall be calculated only if Paragraph II.D.3. applies.

7. Record the release date and subtract the recustody date or new sentence date as determined in Step 1 to determine good conduct credits.
8. Record the discharge date determined in Step 3 and subtract good conduct credits from Step 7 to determine the discharge date.

NOTE: The individual in custody shall be given a copy of the DOC 0631.